	Application No.	Applicant(s)
Notice of Allowability	09/767,793	CARRUTHERS ET AL.
	Examiner	Art Unit
	Donald I. Champagna	3633
	Donald L. Champagne	3622
The MAILING DATE of this communication apperation apperation allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	(OR REMAINS) CLOSED in this apport or other appropriate communication (GHTS. This application is subject to and MPEP 1308.	plication. If not included will be mailed in due course. THIS
2. The allowed claim(s) is/are 14 and 60-68.		
 3. Acknowledgment is made of a claim for foreign priority una a) All b) Some* c) None of the: Certified copies of the priority documents have Certified copies of the priority documents have Copies of the certified copies of the priority documents have Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). 	been received. been received in Application No	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be submit	ENT of this application.	
INFORMAL PATENT APPLICATION (PTO-152) which give	es reason(s) why the oath or declara	tion is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") mus		
(a) \square including changes required by the Notice of Draftspers	on's Patent Drawing Review (PTO-	948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	s Amendment / Comment or in the O	ffice action of
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on the drawin ne header according to 37 CFR 1.121(c	gs in the front (not the back) of i).
 DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT I 	sit of BIOLOGICAL MATERIAL IN FOR THE DEPOSIT OF BIOLOGICA	nust be submitted. Note the AL MATERIAL.
Attachment(s) 1. ☑ Notice of References Cited (PTO-892)	5.	atent Application
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary	
Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date	Paper No./Mail Date 7. ☐ Examiner's Amendm	ent/Comment
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. Examiner's Stateme 9. Other DONALD CHAMPAGNE	Denald L. Champagne Filmary Examiner Art Unit: 3622
	DOIMADV EVALHACO	

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DETAILED ACTION

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Examiner's Amendment

1. Enter the after final amendment filed on 1 May 2006.

2. The following obvious error(s) (MPEP 1302.04) are to be corrected as indicated.

At claim 14, within the inequality expression, at three places, change "In" to the symbol for the natural logarithm, "ln". A marked-up copy of claim 14 is attached.

Allowable Subject Matter

- 3. Claims 14 and 60-68 are allowed.
- 4. The following is an examiner's statement of reasons for allowance: the closest prior art, Dimitriadis et al. (US005664949A) in view of March et al. (US005848397A), does not teach or suggest determining an expected position of an item of content in a series of items based on three of the claimed variables ("P_j", the number of eligible online users; the probability "p" that one such user will be online; and, "T", the predicted online session length). This applies to both independent claims 14 and 60.
- 5. The closest foreign patent art is GB 2280977 A and the closest non-patent prior art is "AdForce" (Business Wire, 13 September 1999, p. 0103). Neither teaches nor suggests determining an expected position of an item of content in a series of items based on the three variables given in para. 2 above.
- 6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 8:30 AM to 7 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and informal

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fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.

- 6. The examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for all *formal* fax communications is 571-273-8300.
- 7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DONALD L. CHAMPAGNE PRIMARY EXAMINER Donald L. Champagne Primary Examiner Ad Unit 3622

27 September 2006